

FILED
UNTY

BOOKING NO.

2013 APR 29 PM 4:06
13-1485

Booking Charges

CIRCUIT COURT OF OREGON
DUKE COUNTY

Plaintiff)

02/10/2013 at 0234 hours

VS.

Date & Time of Arrest

David Ray Ralston

Defendant

211308374

AFFIDAVIT OF PROBABLE CAUSE

STATE OF OREGON)
County of Lane) ss.

ORIGINAL

DNC

The driver of the Cadillac signaled his intention to turn right into the Arco gas station located at 4202 Main Street. He turned into the gas station and brought his vehicle to a stop under the lighted fueling bay in the center fueling area.

The driver's turn into the gas station after roughly five blocks of travel from Whiskey River, combined with his low rate of speed, raised my concern. I followed the driver into the gas station parking lot and stopped my patrol car in the fueling bay just east of his stopped car. I did not turn on my overhead lights and did not conduct a traffic stop. The Cadillac had no vehicles in front or behind and was not blocked in the fueling bay. The driver of the Cadillac exited the car and began speaking with the gas station attendant. I recognized the driver from previous contacts as David Ralston.

I exited my patrol car and contacted Ralston. Ralston was briefly conversational, but when told that I observed him leaving Whiskey River, his demeanor changed and instantly became confrontational. I detected a moderate odor of alcoholic beverage emitting from Ralston's mouth as he spoke. When asked how many alcoholic beverages he had consumed while at Whiskey River, he replied, "I'm not going to lie. I had three drinks." Ralston clarified that he had consumed three, "Scotch and rocks," but said none of the alcoholic beverages contained more than one shot of alcohol. Ralston said he arrived at Whiskey River around 2030 hours. He purchased his first alcoholic beverage on arrival and his last alcoholic beverage around 2330 hours. Ralston's face was red and flushed. His eyes were bloodshot and watery.

As I asked more questions of Ralston, he became hostile and angry saying, "This is harassment! You have no right to harass me!" Ralston asked, "Why am I even being stopped?" I told Ralston that he hadn't been stopped and that I was simply making contact with him. On hearing that he had not been stopped, Ralston turned and walked away from me, and began conversation with the gas station attendant.

I reinitiated contact with Ralston. I told him that I had paced him at 32 to 34 miles per hour. He angrily responded, "There's no way! That's not true! That's not true! I set my cruise control at thirty seven! There's no way!" Ralston's speech was periodically slurred during his responses.

APR 30 2013

When asked further questions about his time of arrival and whether or not he had consumed alcoholic beverages prior to arriving at Whiskey River, he replied, "I (he) know Whiskey River is a problem. I know you guys (Police) just sit and wait for people to leave. I've talked numerous times with Jerry and Captain Harrison about Whiskey River." Ralston continued his hostility claiming he was being, "Harassed."

I took Ralston's first name usage of Springfield Police Chief Smith and Captain Harrison's name as Ralston attempting to intimidate me with his knowledge of Police personnel, specifically using names of my superiors. Ralston continued, "It's not right to harass me just because I (he) left Whiskey River." I explained to Ralston that using names of my superiors did not impress me and did not influence my decision making. I also explained a loose definition of harassment as it applies to criminal law. Despite his recent education on harassment, Ralston continued to use the term over and over. His demeanor, combined with my aforementioned observations, and his own statements lead me to the conclusion Ralston was impaired. I had probable cause to arrest Ralston for driving while under the influence of intoxicants.

I asked Ralston to seat himself back inside of his Cadillac. He refused. Instead, Ralston loudly asserted, "You don't know who I am!" I told Ralston that I did not care who he was. I told him to take a seat inside his vehicle. Just as loudly, he asked, "Do you know what a big mistake you're making?" After being told again to get inside of his vehicle, he climbed into the driver's seat and immediately began using his cell phone. He told me he was calling Chief Smith. Indeed, Ralston did call Chief Smith. Ralston swung his legs out of the vehicle and placed the phone on speaker. I recognized Chief Smith's voice on the other end of the phone. Ralston spoke loudly to Chief Smith and let him know his displeasure with, "One of your (Chief Smith's) Officers." I took Ralston's actions as a further attempt at coercing and intimidating me to disengage my contact with him.

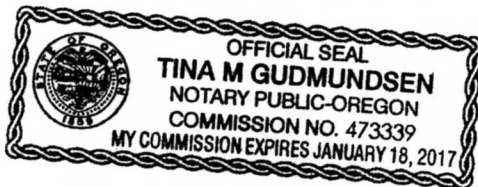
I queued Ralston and radioed Dispatch that he was on the phone with Chief Smith. The conversation lasted longer than I expected and ultimately resulted with Ralston exiting the vehicle and positioning the phone towards me to let me know he was in direct communication with Chief Smith. He continued to use the term, "Harass," as he spoke to myself and Chief Smith. I again instructed Ralston on the correct meaning of harassment. I asked Ralston if he would be willing to perform some standardized field sobriety tests (SFSTs) for me. Ralston said, "Absolutely!"

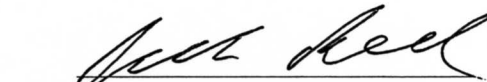
As I directed Ralston away from the fueling bay and towards the south side of the store, he continued to complain of harassment, and again mentioned his position with the City of Springfield stating, "I (he) do budgets for the city." I again explained to Ralston that his position with the City did not impress me and would not influence my decision making.

Once positioned on the asphalt parking lot at the south side of the store, I advised Ralston of his Miranda Rights. I asked him if he understood his rights and Ralston replied, "Yes. I do." Ralston agreed to perform field sobriety tests, all of which he failed. He eventually was transported to the Springfield Municipal Jail where he was read Oregon's implied consent combined report and agreed to provide a breath sample. He submitted a breath sample for a combined final breath test result of 0.07%.

The 0.07% reading was not consistent with Ralston's level of impairment. Therefore, I called dispatch and asked for Officer Speldrich, a trained Drug Recognition Expert (DRE) to be in route. Officer Speldrich asked Ralston if he would be willing to perform further tests. Ralston consented to further tests. Officer Speldrich conducted his independent analysis. All tests were performed in the pre-booking area.

During Officer Speldrich's interview with Ralston, I heard Ralston say that he takes prescription methadone daily for part of his pain management plan. Ralston also told Officer Speldrich that he periodically smokes marijuana recreationally and last smoked marijuana, "On the super bowl." Officer Speldrich asked Ralston if he would consent to provide a urine sample. Ralston agreed and signed a urine test consent form. Officer Speldrich's analysis after testing was that Ralston was under the influence of Alcohol and controlled substances.

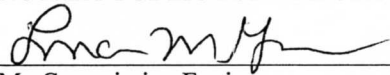



Signature
Joseph Burke
Name - Printed

Police Officer
Title - Printed

SUBSCRIBED AND SWORN TO before me this 29th day of April 2013, ~~2002~~

NOTARY PUBLIC FOR THE STATE OF OREGON


My Commission Expires:

Jan 18, 17

ORIGINAL